

SENATE BILL NO. 75—SENATOR SEGERBLOM

PREFILED JANUARY 31, 2013

Referred to Committee on Judiciary

SUMMARY—Establishes a cause of action for persons who become addicted to a prescription drug. (BDR 3-98)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to civil actions; establishing a cause of action for persons who become addicted to a prescription drug; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Common law generally provides that a person may commence a civil action under various theories of liability, including fraud, negligence and products liability, when he or she suffers damages from a product. (*Dow Chem. Co. v. Mahlum*, 114 Nev. 1468 (1998)) This bill provides that a person who suffers injuries as a result of an addiction to a prescription drug may bring a civil action against: (1) the manufacturer of the prescription drug; and (2) the provider of medical care who prescribed the prescription drug, if the provider of medical care knew or should have known of the person's addiction to the prescription drug.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 41 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Notwithstanding any other provision of law, a person who***
4 ***suffers injuries as a result of an addiction to a prescription drug***
5 ***may bring and maintain an action for damages against:***

6 ***(a) The manufacturer of the prescription drug.***
7 ***(b) The provider of medical care who prescribed the***
8 ***prescription drug, if the provider of medical care knew or should***
9 ***have known of the person's addiction to the prescription drug.***



* S B 7 5 *

1 2. A person who prevails in an action brought pursuant to
2 this section may recover his or her actual damages, including,
3 without limitation, any costs associated with rehabilitation for the
4 addiction, attorney's fees and costs and any punitive damages that
5 the facts may warrant.

6 3. As used in this section:

7 (a) "Prescription drug" has the meaning ascribed to it in
8 NRS 453.3628.

9 (b) "Provider of medical care" means a physician, dentist or
10 any other person licensed to lawfully prescribe a prescription
11 drug.

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